

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- v. - : CONSENT PRELIMINARY ORDER
:
NAIM ISMAIL, : MONEY JUDGMENT
:
Defendant. : 18 Cr 791 (AT)
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WHEREAS, on or about October 13, 2018, NAIM ISMAIL (the “Defendant”), was charged in a sealed Indictment, 18 Cr. 791 (AT) (the “Indictment”), with wire fraud and bank fraud conspiracy, in violation of Title 18, United States Code, Section 1349 (Count One), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Two), and with bank fraud in violation of Title 18, United States Code, Sections 1344 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A) of any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in Counts One through Three of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses;

WHEREAS, on or about July 12, 2021, the Defendant pled guilty to Count One, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$10,962,128.79 in United States currency, representing proceeds traceable to the commission of said offense;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$10,962,128.79 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys Kiersten A. Fletcher and Jonathan E. Rebold, of counsel, and the Defendant, and his counsel, Laura F. Marran, Esq., that:

1. As a result of the offense charged in Count One of the Indictment to which the Defendant pled guilty, a money judgment in the amount of \$10,962,128.79 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, NAIM ISMAIL, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One

St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture, shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:


Kiersten A. Fletcher
Jonathan E. Rebold
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212)637-2238/2512

7/12/21

DATE


NAIM ISMAIL

By:


NAIM ISMAIL

7/12/21
DATE

By:


LAURA MARRAN, ESQ.
Attorney for Defendant
Law Office of Laura Marran
110 West A. St., Suite 1100
San Diego, CA 92101

7/12/21
DATE

SO ORDERED:


ANALISA TORRES
United States District Judge

7/12/2021

DATE